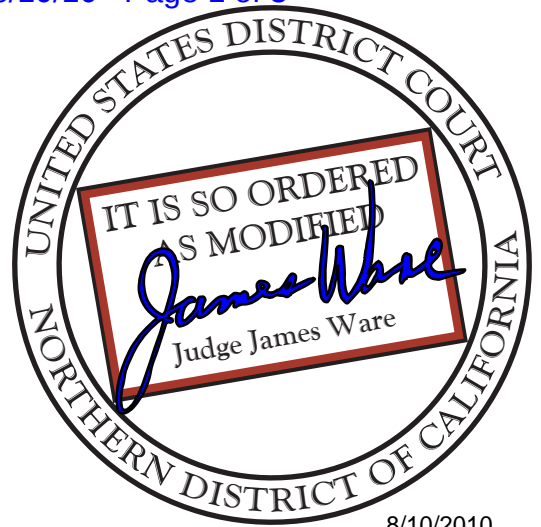


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8/10/2010

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ESTATE OF GURMIT SINGH, et al.	)	Case No. C09-00740 JW
Plaintiffs,	)	STIPULATION AND [PROPOSED]
vs.	)	ORDER TO CONTINUE TRIAL AND
CITY OF GILROY, et al.,	)	SET POST-ADR CASE MANAGEMENT
Defendants.	)	CONFERENCE
	)	Complaint Filed: 2/19/09
	)	Trial Date: 12/8/10
	)	[JURY TRIAL DEMANDED]

The parties have conducted extensive discovery in this case, and such discovery is ongoing. The parties have also repeatedly met and conferred with regard to discovery, through their counsel, including expert discovery. This is a highly complex, multi-party fatal police shooting case.

By order issued June 24, 2010, the Court set this matter for jury trial scheduled to commence on December 8, 2010, with jury selection set for December 7, 2010, a Final Pretrial Conference set for November 22, 2010, and associated deadlines. The parties, through their counsel, filed a Stipulation, on July 12, 2010,

1 jointly requesting a setting of a case management conference in  
 2 this matter, which the Court denied, without prejudice, by order  
 3 dated July 19, 2010, asking the parties to specify the purpose of  
 4 the conference.

#### 5 ALTERNATIVE DISPUTE RESOLUTION

6 At an early stage during the pendency of this case, the matter  
 7 was referred to Alternative Dispute Resolution Administrator Daniel  
 8 Bowling, who conducted multiple conference calls with all counsel,  
 9 and filed reports with the Court. The parties through their  
 10 counsel elected not to hold any formal ADR in this case, and Mr.  
 11 Bowling confirmed that by his reports to the Court, most recently  
 12 on December 29, 2009.

13 The parties have now agreed to proceed with private mediation  
 14 in this case, and, due to availability issues, have not been able  
 15 to set a date any earlier than October 1. The parties have  
 16 therefore now set an all-day mediation with San Jose attorney  
 17 mediator Charlie Hawkins for Friday, October 1, 2010.

#### 18 REQUEST FOR VACATING OF TRIAL AND RELATED DATES 19 AND SETTING OF NEW CASE MANAGEMENT CONFERENCE DATE

20 In order for the parties to meaningfully explore amicable  
 21 resolution, through private mediation, the parties hereby request  
 22 that the Court vacate the December jury trial date, associated  
 23 conferences and deadlines, and set this matter for a case  
 24 management conference, for some time after the October 1, 2010  
 25 private mediation.

26 Date: July 27, 2010

27 /s/ - "Karen L. Snell"  
 28 KAREN LEIGH SNELL  
 Attorneys for Plaintiffs,  
 ESTATE OF GURMIT SINGH, et al.

1 Date: July 27, 2010

BURTON, SCHMAL & DiBENEDETTO, LLP

3 /s/ - "Burleigh Sabin"

4 BY: BURLEIGH E. SABIN

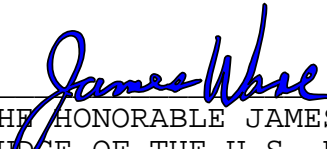
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OFFICER HEATH.

8 ORDER

9 The December 8, 2010 jury trial date, and associated  
10 appearances and deadlines, set forth in this Court's Order of July  
11 19, 2010, are hereby vacated. This matter will now be set for a  
12 case management conference to be held on **October 18, 2010 at 10:00 AM**. On  
13 or before **October 8, 2010**, the parties shall file a joint case management conference statement  
14 updating the Court on their settlement efforts and providing an alternate proposed trial schedule.

15 IT IS SO ORDERED.

16  
17 Date: August 10, 2010

18   
THE HONORABLE JAMES WARE,  
19 JUDGE OF THE U.S. DISTRICT COURT.  
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